

REMARKS

Applicants appreciate the thoroughness with which the Examiner has examined the above-identified application. Reconsideration is requested in view of the amendments above and the remarks below.

Election/restriction

In view of the fact that the restriction requirement against claim 1 has been made final, applicants have cancelled claim 1.

Abstract objections

Applicants have submitted a shortened abstract that does not exceed 150 words, as suggested by the Examiner.

Specification objections

Applicants have corrected the specification at page 13 to conform to Fig. 3, as noted by the Examiner.

Claim objections

Applicants have substituted the full name for the acronym YSZ in claim 2, as noted by the Examiner.

Rejection under 35 USC § 112, first paragraph

Claim 2 stands rejected under 35 USC § 112, first paragraph, as not being supported by the specification with respect to the partial pressure of 10^{-20} atm. Applicants have amended claim 2 to state a partial pressure of 10^{-10} atm, as supported by the specification at page 24, line 13.

Rejection under 35 USC § 112, second paragraph

Claim 2 stands rejected under 35 USC § 112, second paragraph, as being indefinite with respect to the terms 1) "pre-sintering" and "co-sintering," 2) "coating a band-shaped organic layer ..." and 3) "through a plasma spray coating process."

With respect to the terms "pre-sintering" and "co-sintering," the actual sintering step is the "co-sintering" step; the term "co-sintering" refers to the fact that the tube is being sintered at the same time as the remaining coatings thereon. Therefore, the step of "pre-sintering" accurately describes the heating process that takes place before the sintering.

The reference to the "band-shaped organic layer on a center of an upper plate of the supported tube" refers to a band shape layer that runs along the length of the center of the upper plate, to form a connector 13 as shown in Fig. 1. Claim 2 has been amended to specify this.

The language regarding the "plasma spray coating process" is clearly directed to the coating and the reference in the claim to the removal of the organic layer is to the portion of the tube on which the coating is applied.

Accordingly, applicants submit that claim 2 meets the requirements of § 112, second paragraph.

Rejection for double patenting

Claims 2-9 stand rejected under the judicially created ground of obviousness-type double patenting in view of co-pending application serial no. 10/335,317. While the rejection at this time is only provisional, applicants submit that it is not well founded. The instant claims 2-9 are drawn to a method of producing a fuel cell stack,

and do not include the details of the structure of the fuel cell stack set forth in the claims in the cited co-pending application.

It is respectfully submitted that the application has now been brought into a condition where allowance of the entire case is proper. Reconsideration and issuance of a notice of allowance are respectfully solicited.

Respectfully submitted,

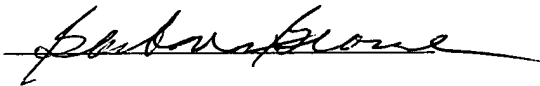


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